

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

CARROLL INDEPENDENT SCHOOL
DISTRICT,

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION et
al.,

Defendants.

No. 2:24-cv-00461
District Judge Reed O'Connor

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT AND CROSS-MOTION TO DISMISS OR, IN THE ALTERNATIVE,
FOR SUMMARY JUDGMENT**

SUMMARY

Defendants hereby oppose Plaintiff's motion for summary judgment and cross-move to dismiss or, in the alternative, for summary judgment. All the counts in Plaintiff's Complaint should be dismissed under Rule 12(b)(6) on claim-splitting grounds; Counts 5 and 6 of Plaintiff's Complaint with respect to the Guidance Documents should be dismissed for the independent reason that the Court lacks subject-matter jurisdiction over those claims as Plaintiff acknowledges that it does not suffer any injury from the Guidance Documents. In the alternative, the Court should enter judgment for Defendants under Rule 56. Each of the matters required by Local Rules 56.3(a) and 56.4(a) is set forth in Defendants' brief. A proposed order is enclosed herein.

Dated: September 6, 2024

Respectfully submitted,

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Principal Deputy Assistant Attorney General

EMILY B. NESTLER
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/s/ Pardis Gheibi

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CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2024, I electronically filed this document with the Court by using the CM/ECF system, and that this document was distributed via the Court's CM/ECF system.

/s/ Pardis Gheibi

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

CARROLL INDEPENDENT SCHOOL
DISTRICT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
EDUCATION, *et al.*,

Defendants.

Case No. 4:24-cv-00461-O
District Judge Reed O'Connor

[PROPOSED] ORDER

Upon consideration of Defendants' Cross-Motion to Dismiss or, in the Alternative, for Summary Judgment, the motion is hereby **GRANTED**. [This case is hereby **DISMISSED** under Rule 12(b)(1) and Rule 12(b)(6).] / [Judgment is hereby **ENTERED** for Defendants on all of Plaintiff's claims.] The Clerk is directed to **CLOSE** this matter.

It is so ordered.

Dated: _____, 2024

REED O'CONNOR
United States District Judge